

REMARKS

Claim 18 stand rejected under 35 USC 101 because the claimed invention is allegedly directed to non-statutory subject matter. Claim 18 has been amended in accordance with the Examiner's suggestion to recite that the program is stored "on a computer-readable medium." Since this amendment simply adopts an examiner suggestion, this amendment should be entered after final.

Claims 1-7, 10-15 and 17-20 stand rejected under 35 USC 103(a) as being unpatentable over Ueda in view of Kajita. Claims 8, 9, 16 and 22 stand rejected under 35 USC 103(a) as being unpatentable over Ueda in view of Kajita and Iwazaki. These rejections are respectfully traversed.

As recited in independent claims 1, 17 and 18, applicants claim apparatuses, methods and programs in which an apparatus acquires data and stores it in a storage unit of the apparatus, the apparatus also transmits the data to an external apparatus as a backup. If the apparatus finds that the data is not stored in the storage unit of the apparatus itself, the apparatus acquires the data from the external apparatus (backup destination). As explained below, the prior art fails to disclose or suggest the claimed apparatuses, methods, and programs.

The prior art fails to disclose or suggest the claimed "storage unit that stores the acquired image data," as recited in claim 1. The Examiner asserts that the claimed storage unit corresponds to the external memory 20 shown in Fig. 1 of Ueda. Specifically, the Examiner states Ueda discloses "a storage unit (Fig. 1 External Memory 20) that stores the acquired image data (i.e. First storage means for storing the acquired image data See column 4, lines 38-52"). No where in Ueda, is it disclosed or suggested that the data acquired from the host computer 1500 is stored into the external memory 20. Furthermore, the recitation in column 4, lines 38-52 of Ueda cited by the Examiner in relation to the storage unit does not even mention the external memory 20. Accordingly, Ueda fails to disclose or suggest the claimed "storage unit that stores the acquired

image data,” as recited in claim 1. The remaining independent claims, claims 17 and 18, also include similar recitations. Accordingly, the rejections of claims 1-20 should be withdrawn.

In addition, claim 1 recites “a judgment unit that judges, prior to commencement of the image processing, whether the image data is stored in the storage unit” and “a second data acquiring unit that acquires the image data from the external apparatus if the judgment unit judges negatively.” The claimed judgment unit determines whether the data has been somehow erased from the storage unit of the apparatus. If it has been erased the data is acquired from the external apparatus as recited in claim 1. Ueda fails to disclose or suggest the claimed judgment unit that determines whether the image data is stored in the storage unit as claimed to determine whether to obtain data from the external apparatus.

The Examiner states Ueda discloses “a judgment unit that judges (Fig. 1, CPU 12), prior to commencement of the image processing, whether the image data is stored in the storage unit (i.e. The first judging means judges whether or not the intermediate code information corresponding to one page has been stored in the first storage area. See column 3, lines 51-60 and column 27, lines 41-56).” The portions of Ueda cited by the Examiner as corresponding to the claimed judgment unit recite a “first judging means for judging whether or not the intermediate code information corresponding to one page has been stored in the first storage area” (column 3, lines 51-60); and “the CPU 12 judges whether or not the one-page intermediate code information has been stored in the intermediate code memory 501.” (column 27, lines 41-56). As recited in Ueda, these judgments are made to a RAM 13 that is divided into an intermediate code memory 501, a first band memory 502, a second band memory 503, and other memory 504. These judgments determine whether the intermediate code memory 501 has overflowed with the one-page intermediate code information.

Ueda fails to disclose or suggest “a judgment unit that judges, prior to commencement of the image processing, whether the image data is stored in the storage unit” so that this information can be obtained from an external apparatus when necessary as claimed. Accordingly, since the

judgment unit in Ueda functions in a completely different manner for a completely different purpose than the claimed judgment unit, it would not be obvious to modify Ueda to obtain the claimed invention of claims 1-20 for this additional reason.

Finally, the claimed invention, as described above, includes "a second data acquiring unit that acquires the image data from the external apparatus if the judgment unit judges negatively." The Examiner states Ueda discloses "a second data acquiring unit (Fig. 1, CPU 1) that acquires the image data from the external apparatus if the judgment unit judges negatively (i.e. The CPU 1 acquires the "memory-full" status of the RAM 13 from the printer 2500 through the printer controller 8 when it is expected that the processing of the printing information to be transferred from the host computer 1500 may fail. Column 47, lines 1-18)."

As discussed above, and as claimed, the second data acquiring unit of the present invention acquires the image data from the external apparatus. The external apparatus is what is called a backup apparatus which stores the image data that has been transmitted in advance as a backup from the transmission unit of the image forming apparatus. That is to say, the image forming apparatus of the present invention sends image data to an external apparatus and acquires the image data from the same external apparatus as necessary. The cited portions of Ueda fail to disclose suggest or have anything to do with obtaining data from an external backup device as claimed. Further, although the Examiner indicates that the storage apparatus of the external apparatus corresponds to the external memory 11 of Ueda, there is no disclosure in Ueda that data is stored in the external memory 11 as a backup and the data is acquired again from the external memory 11 as claimed. Accordingly, the rejections of claims 1-20 should be withdrawn for this additional reason as well.

As described above, Ueda fails to disclose or suggest the claimed "storage unit that stores the acquired image data," the claimed "judgment unit that judges, prior to commencement of the image processing, whether the image data is stored in the storage unit" and the claimed "second data acquiring unit that acquires the image data from the external apparatus if the judgment unit judges

negatively.” Kajita and Iwazaki do not cure these deficiencies in the Ueda reference and are not cited by the Examiner as showing these features missing from Ueda. In view of the above, each of the claims in this application is in condition for allowance. Accordingly, the Examiner is requested to withdraw the outstanding rejections of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no.

325772034700.

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Respectfully submitted,

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